

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DR. LAKSHMI ARUNACHALAM,

Plaintiff,

v.

TARGET CORPORATION,

Defendant.

Civil Action No: 2:13-cv-00606-JRG

JURY TRIAL REQUESTED

STIPULATION OF VOLUNTARY DISMISSAL

WHEREAS, Plaintiff Dr. Lakshmi Arunachalam (“Plaintiff” or “Arunachalam”) filed her complaint against Defendant Target Corporation (“Defendant”) asserting infringement of U.S. Patent No. 8,346,894 and alleging Arunachalam to be the owner of all rights, title and interest in and to U.S. Patent No. 8,346,894 (“Arunachalam Action”); and

WHEREAS, Defendant has filed either a motion to dismiss for lack of subject matter jurisdiction due to a claim of no standing and/or an answer to the allegations made in the Complaint; and

WHEREAS, new complaints have been filed by Pi-Net International, Inc. (“Pi-Net”) against Defendant asserting infringement of U.S. Patent No. 8,346,894 and alleging Pi-Net to be the owner of all rights, title and interest in and to U.S. Patent No. 8,346,894 (“Pi-Net Action”); and

WHEREAS, Pi-Net has agreed not to allege willful infringement or indirect infringement against Defendant based on pre-suit knowledge arising from the filing of the original complaint by Plaintiff, but Pi-Net reserves the right to make allegations of willfulness or indirect

infringement should discovery uncover pre-suit knowledge of U.S. Patent No. 8,346,894 independent of the filing of the original complaint by Plaintiff.

THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff Dr. Lakshmi Arunachalam and Defendant Target Corporation through their respective counsel(s) that the above-captioned action is voluntarily dismissed, without prejudice, against Defendant, pursuant to F.R.C.P. 41(a)(1)(A)(ii). Furthermore, Defendant agrees to dismiss all counterclaims, without prejudice, against Plaintiff.

All attorneys' fees, expenses, and costs are to be borne by the party that incurred them. Notwithstanding the foregoing, the prevailing party in the Pi-Net Action reserves the right to seek costs, expenses and fees relating to the Arunachalam Action as well as the Pi-Net Action in any future motion pursuant to 35 U.S.C. § 285.

Dated: December 12, 2013

By: /s/ John V. Picone III

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By: /s/ Constance S. Huttner

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**ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served December 12, 2013, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ John V. Picone III

John V. Picone III